

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

100% OF MARK EDWARD PHILLIPS'
INTEREST IN QUINN'S PUB,

Defendant in rem.

CASE NO. C13-641RAJ

ORDER

Plaintiff has filed a motion requesting a restraining order encumbering Mark Edward Phillips' interest in Quinn's Pub, a Seattle bar, pending resolution of this civil forfeiture action. The court DENIES the motion (Dkt. # 2) for the following reasons.

Plaintiff's motion reveals very little. It contends that Mr. Phillips has an interest in Quinn's Pub, but it does not explain whether that interest is in the real property on which Quinn's Pub operates or a business entity that owns or operates Quinn's Pub. Giving Plaintiff the benefit of the doubt, the court reviewed Plaintiff's forfeiture complaint, including 50 pages of declarations from law enforcement officers. Plaintiff's motion contains no pinpoint citations to the complaint or any of the declarations. The court's review of the declarations suggests that the "interest" Plaintiff wishes to encumber is a 4% interest in Quinn's Pub, LLC. The record does not reveal in which state the LLC is incorporated.

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1 Plaintiff's motion does not reveal whether it has made any effort to give notice of
2 this action or notice of the motion itself to Mr. Phillips. The only statements regarding
3 notice are statements, unaccompanied by evidence, that Plaintiff's counsel has submitted
4 the motion to counsel for Quinn's Pub, who does not object to the entry of a restraining
5 order. Plaintiff does not explain whether notice was given to other members of Quinn's
6 Pub, LLC or whether the limited liability company's counsel was authorized to represent
7 their individual interests. Plaintiff also does not suggest that there is any exigency or
8 other circumstance that would excuse its obligation to give notice to Mr. Phillips or to
9 others. *See* 18 U.S.C. § 983(j)(3) (describing notice requirement and exemptions for pre-
10 complaint restraining order). If Plaintiff believes it is not mandated to give notice of this
11 action or of the motion for an injunction, it has not established a legal basis for that
12 belief.

13 The court accordingly DENIES the motion without prejudice to a new motion that
14 addresses, at a minimum, the concerns the court has raised in this order.

15 DATED this 1st day of May, 2013.

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19 The Honorable Richard A. Jones
20 United States District Court Judge
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